

**Before the
Federal Communications Commission
Washington, D.C. 20554**

File No.: EB-FIELDSCR-16-00022843

NOV No.: V201732480001

Released: November 18, 2016

a. 47 C.F.R. § 73.508(b): “The transmitter and associated transmitting equipment of each noncommercial educational FM station and LPFM station licensed for transmitter power output above 10 watts must be designed, constructed and operated in accordance with § 73.317.” 47 C.F.R. § 73.317(d): “Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least $43 + 10\text{Log}_{10}$ (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation.” WBVL-LP is licensed to operate at a maximum Effective Radiated Power (ERP) of 89 Watts. Thus, WBVL-LP is required under Sections 73.508(b) and 73.317(d) of the Commission’s rules to attenuate spurious emissions appearing more than 600 kHz from the carrier by at least 62.49 dB. The Enforcement Bureau’s agent observed spurious emissions from WBVL-LP’s transmitter at power levels greatly in

² 47 C.F.R. § 1.89(a).

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excess of the limit for such emissions determined pursuant to Section 73.317(d) of the Commission's rules.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, WBVL-LP must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct WBVL-LP to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WBVL-LP, with personal knowledge of the representations provided in WBVL-LP's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in WBVL-LP's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Office of Region Two Director
3600 Hiram-Lithia Springs Rd.
Powder Springs, GA, 30127

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. This Notice shall be sent to WBVL-LP at its address of record.

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Ronald D. Ramage
Regional Director, Region Two
Enforcement Bureau
Federal Communications Commission